

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
MINUTES OF THE WEDNESDAY, FEBRUARY 26, 2014 MEETING**

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30PM by Chairman Hansen at the Copeland Board Room located at 7714 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL: Phil Arbour, Jack Donaldson, John Hansen, Phil Mekas, Thom Phillips (arrived at 6:37 PM), Michael Raatz, and James Smith. Excused absences Matt Kowalski and Mary-Ellen Miller.

Also present: Courtney Nicholls, Assistant Village Manager; Carol Jones, Village Clerk; Donna Fisher and Paul Cousins, Village Trustees.

C. APPROVAL OF THE AGENDA

Motion Michael Raatz; support Phil Arbour to approve the agenda as presented. Unanimous voice vote approval with Kowalski and Miller absent.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – February 19, 2014

Motion Phil Arbour; support Jack Donaldson to approve the minutes with the following correction:

Page 1, add Village President Shawn Keough as also attending the meeting.

Page 3, add the line “ The City Clerk shall accept only nomination petitions which conform to the forms provided and maintained by the City Clerk.” To the front of the modified language for Section 10.

Page 4, correct signed to read signer

Page 5, correct the second Section 25 to read Section 26.

Unanimous voice vote approval with Kowalski and Miller absent.

E. PREARRANGED PARTICIPATION

None

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION – SECOND READINGS

Staff Update Memo

1. Discussion of: Elections

Motion James Smith; support Jack Donaldson to approve the second reading of Elections.

The following are comments and/or corrections to the proposed sections on Elections:

Page 13 - Sections 1-7

- In Section 6 (Notice) replace officers with offices to be filled.

Page 14 – Sections 8-11

- In Section 10 (Nominations – Approval of Petitions) add the following sentence to the beginning... "The City Clerk shall accept only nomination petitions which conform to the forms provided and maintained by the City Clerk."
- Motion James Smith; support Phil Arbour to remove prior to and replace with by in Section TBD (Nominations-Candidate to Run for Only One Office.
- Section 11 (Nominations-Withdrawal of Candidate) – delegated to Ms. Nicholls to rework the language.

Page 15 – Sections 12 -18

- In Section 13 (election Commission Created) add that the Election Commission is appointed as part of the Council's Adoption of the Resolution of Organizational Matters for a term of two (2) years and that the member of the City Council serving on the Election Commission is one whose name will not appear on the current year's ballot for any office.

Page 16 – Sections 19 -24

- In Section 21 (Recall) – Ask the Attorney what happens in the case of a tie.

Page 17 – Sections 24-26

- No changes

Page 18 – Section 26

- No changes

Unanimous voice vote approval of the amended Election Section with Kowalski and Miller absent.

H. CHARTER CONSTRUCTION – FIRST READING

1. Discussion of: Taxation (continued from 2/19/14)

Motion Jack Donaldson; support James Smith to approve the first reading of Section 2 – Subject of Taxation.

Motion Phil Arbour; support Thom Phillips to table Section 2 until a future meeting.
Unanimous voice vote approval with Kowalski and Miller absent.

Motion Phil Arbour; support Jack Donaldson to approve the first reading of Section 3 – Tax Day.

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of December 31, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the City Assessor or the Board of Review.

Unanimous voice vote approval with Kowalski and Miller absent.

Motion James Smith; support Michael Raatz to approve the first reading of Section 4 – Jeopardy Assessments.

If the City Treasurer finds or reasonably believes that any person, who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the city on tax day, intends to depart or has departed from the city; or to remove or has removed therefrom personal property; which is, or may be, liable for taxation; or to conceal or conceals their person or their property; or does any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, unless proceedings therefore be brought without delay, the City Treasurer shall proceed to collect the same as a jeopardy assessment in the manner provided by state law.

Unanimous voice vote approval with Kowalski and Miller absent.

Motion James Smith; support Michael Raatz to approve the first reading of Section 5 – Assessment.

The City Assessor shall annually place a value, in accordance with law, upon all property, both real and personal, in the city, which is subject to taxation. Such valuation of property shall be in accordance with established assessment rules, techniques, and procedures. The council shall provide for the maintenance of the records and facilities of the office of the City Assessor.

Unanimous voice vote approval as amended with Kowalski and Miller absent.

Motion Jack Donaldson; support Phil Arbour to approve the first reading of Section 6 – Assessment Roll.

(a) Prior to the date of the first meeting of the Board of Review in each year, the City Assessor shall prepare and certify an assessment roll of all property in the city, in the manner and form provided in the general tax law of the State of Michigan. Such roll may be divided into volume that the City Assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this Article to any volumes of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.

(b) The City Assessor shall give notice by first class mail to each owner of property on the assessment roll. The notice shall be addressed to the owner according to the records of the City Assessor's office and mailed not less than ten (10) days before the date of the convening of the Board of Review. Neither the failure of the City Assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.

Unanimous voice vote approval as amended with Kowalski and Miller absent.

Motion Phil Arbour; support Phil Mekas to approve the first reading of Section 7 – Board of Review.

(a) A Board of Review is hereby created and composed of three (3) members who shall have the following qualifications: A member shall be a registered elector of the city, and shall have been a resident of the city for at least one (1) year immediately prior to the date of appointment. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation.

(b) The members of the Board of Review shall be appointed by the council and may be removed for reasons of nonfeasance or misfeasance by a majority vote of the council. The first such Board of Review appointed by the council under the provisions of this charter shall be made up of three (3) qualified members appointed for two (2), three (3), and four (4) year terms. Thereafter, when terms expire, the council shall appoint a member for a three (3) year term at the first regular council meeting in January of each succeeding year or as part of the Council's Adoption of the Resolution of Organizational Matters, whichever comes first. Upon a vacancy due to resignation or otherwise, the council shall appoint a member to fill the remainder of the vacant term. The council shall fix the compensation of the members of the Board.

(c) An annual organizational meeting of the Board of Review shall be held on the first Monday in March to select one (1) of its members as chairperson for the ensuing year, to review the assessment roll and to examine the guidelines and practices followed in preparing the assessment roll. The City Assessor shall be the secretary of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

(d) Being elected to an office of the city will serving as a member of the Board of Review shall constitute a resignation from the Board of Review.
Unanimous voice vote approval as amended with Kowalski and Miller absent.

Motion James Smith; support Jack Donaldson to approve the first reading of Section 8 – Duties and Functions of Board of Review.

- (a) The members of the Board of Review shall be officers of the city and shall take the oath of office, which shall be filed with the City Clerk.
- (b) For the purpose of revising and correcting assessments, the Board of Review shall have the powers and perform duties, in all respects as given by state law.
- (c) At the time, and in the manner provided in the following section, the Board of Review shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board of Review shall correct the roll in such manner as it deems just. In all cases, the assessment roll shall be reviewed according to the facts existing on the most recent tax day.
- (d) Except as otherwise provided by state law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll.
- (e) The City Assessor shall make a permanent record of all proceedings of the Board of Review and enter therein all its resolutions and decisions. Such record shall be filed with the City Clerk on or before the first day of May following the meeting of the Board of Review.

Unanimous voice vote approval with Kowalski and Miller absent.

Motion James Smith; support Jack Donaldson to approve the first reading of Section 9 – Notice of Meeting.

Notice of the time and location of the sessions of the Board of Review shall be published by the City Assessor in a newspaper having general circulation in the city at least one (1) week prior to each session of the Board and printed on the assessment notice sent as described in Section 6b of this charter.

Unanimous voice vote approval with Kowalski and Miller absent.

Motion Phil Arbour; support James Smith to approve the first reading of Section 10 – Meetings; Examination of Persons Appearing.

The Board of Review shall meet in two (2) sessions in each year at such place as shall be designated by the council. The first session of the Board shall convene on the first Monday in March of each year and may continue in session for three (3) days and as much longer as may be necessary for the purpose of considering and correcting the roll. In each case where the assessed value is increased or any property added to the rolls by the Board, the secretary of the Board shall give notice to the owners thereof according to the last assessment roll of the city by first class mail as prescribed by statute. The second session of the Board shall convene on the third Monday of March of each year and shall continue in session for one (1) day and as much longer as may

be necessary for the purpose of hearing appeals of property assessments. The Board shall remain in session during such hours as the council may designate.
Unanimous voice vote approval with Kowalski and Miller absent.

Motion James Smith; support Michael Raatz to approve the first reading of Section 11 – Certification of Roll.

After the Board of Review has completed its review of the assessment roll, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll.
Unanimous voice vote approval with Kowalski and Miller absent.

Motion James Smith; support Thom Phillips to approve the first reading of Section 12 – Validity of Assessment Roll.

Upon the certification by the Board of Review the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, shall be the assessment roll of the city for county, school and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by state law.
Unanimous voice vote approval with Kowalski and Miller absent.

Motion Phil Arbour; support Phil Mekas to approve the first reading of Section 13 – Clerk to Certify Levy.

Within three (3) days after the adoption of the budget for the ensuing year, the City Clerk shall certify to the City Assessor the total amount which the council determines shall be raised by general taxation, together with such other assessments and lawful charges and amount which the county and other taxing authorities shall authorize or require to be assessed, reassessed, or charged upon the city tax roll against property or persons.
Unanimous voice vote approval with Kowalski and Miller absent.

Motion Jack Donaldson; support James Smith to approve the first reading of Section 14 – City Tax Roll.

After the Board of Review has completed its review of the assessment roll, the City Assessor shall prepare a tax roll, to be known as the “City Tax Roll.” Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding section, the City Assessor shall proceed forthwith to:

- (a) Spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll;

- (b) Place such other assessments and charges upon the roll as are required and authorized by the council; and
 - (c) Complete other said tasks as required by state law.
- Unanimous voice vote approval with Kowalski and Miller absent.

Motion Thom Phillips; support James Smith to approve the first reading of Section 15 – Tax Roll Certified for Collection.

After extending the taxes and placing other assessments and charges upon the roll, the City Assessor shall certify said tax roll and attach the City Assessor's warrant by the tenth day of June in each year, directing and requiring the City Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting the City Treasurer for the purpose of collecting the taxes, assessments, and charges of such roll, all the power and immunities possessed by City Treasurers for the collection of taxes under the general laws of the state.

Unanimous voice vote approval with Kowalski and Miller absent.

Motion Phil Arbour; support Jack Donaldson to approve the first reading of Section 16 – Liens.

All taxes thus assessed shall become a debt due the city as provided by general law and, as of the first day of July of the year of assessment, the said taxes with any applicable charges, fees or penalties shall become a lien upon the property against which they are assessed until paid.

Unanimous voice vote approval with Kowalski and Miller absent.

Motion Phil Arbour; support Jack Donaldson to approve the first reading of Section 17 – Tax Payment Dates.

City taxes shall be due and payable on the first day of July each year and be delinquent after September 15. Other property taxes as permitted by law shall be due December 1 and be delinquent after February 28. Unpaid tax assessment charges and penalties shall be turned over for collection by March 1 as provided by statute.

Unanimous voice vote approval with Kowalski and Miller absent.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

Invite Scio Township and Webster Township Assessors to the next meeting.

J. AGENDA PREPARATION FOR THE NEXT MEETING

Next meeting:

- Continue work on the Taxation Section
- Begin first reading of Special Assessment
- Call meetings for April and May

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion James Smith; support Michael Raatz to adjourn at 8:29 PM.
Unanimous voice vote approval with Kowalski and Miller absent.

Respectfully submitted,
Carol J. Jones
Clerk, Village of Dexter

Approved for Filing:_____

VILLAGE OF DEXTER

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MEMO

To: City Charter Commission
From: Courtney Nicholls, Assistant Village Manager
Date: February 28, 2014
Re: Meeting Topics

The Commission is scheduled to continue their first reading of Taxation and begin the first reading of Special Assessments and Borrowing. Both Special Assessments and Borrowing were included because those chapters are relatively short.

Scio Township Assessor Jim Merte will be unable to attend, but has offered to review the documents and will provide any comments he has in writing. I have not heard back yet from Webster Township Assessor Bill Sinkule.

At the February 26, 2014 meeting the Commission discussed Caro Charter's references to doing things in a manner provided by law for townships. The General Property Tax Act was written in large part referencing townships specifically. We can discuss with Attorney Tom Ryan whether we can reference the General Property Tax Act specifically instead of using township.

In the case of the Board of Review, the law (MCL 211.28 Sec 28 (4) states that "the size, composition and manner of appointment of the Board of Review of a city may be prescribed by the charter of a city. In the absence of or in place of a charter provision, the governing body of the city, by ordinance, may establish the city Board of Review in the same manner and for the same purposes as provided by this section for townships". The Board of Review section of State Law is provided for your review. I am reviewing the entire General Property Tax Act to determine if there are any other areas where cities are able to deviate from townships.

Provided for the Commission's review is a copy of our timeline. Starting in 2014 the filing deadline for candidates for office was changed from 12 weeks prior to the election to 15 weeks prior. The deadline to file ballot language is now August 12. We are confirming with Tom Ryan as to whether the Charter has to be reviewed by the State prior to the time the candidates for city offices can circulate petitions. What this filing deadline shift means is that we need to focus on getting the draft to the State as soon as possible and determining what modifications to the timeline are needed to accomplish this. A possible Saturday public hearing date in March is included in the timeline as an option to start gathering feedback on the draft document.

As follow-up to a question raised by Commissioner Arbour at the February 26, 2014 meeting, Washtenaw County Clerk Kestenbaum explained that if a recall vote ends in a tie the recall fails. This is because it is considered a ballot proposal and takes a majority of votes to pass. The law governing ties that requires drawing lots is for candidates only.

THE GENERAL PROPERTY TAX ACT (EXCERPT)
Act 206 of 1893

BOARD OF REVIEW.

211.28 Board of review for township or city; appointment, qualifications, and terms of members; vacancy; eligibility; quorum; adjournment; deciding questions; board of review committees; meetings; size, composition, and manner of appointment of board of review; alternate members; indorsement of assessment roll; duties and responsibilities contained in MCL 211.29.

Sec. 28. (1) Those electors of the township appointed by the township board shall constitute a board of review for the township. At least 2/3 of the members shall be property taxpayers of the township. Members appointed to the board of review shall serve for terms of 2 years beginning at noon on January 1 of each odd-numbered year. Each member of the board of review shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the membership of the board of review. A member of the township board is not eligible to serve on the board or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve on the board or to fill any vacancy. A majority of the board of review constitutes a quorum for the transaction of business, but a lesser number may adjourn and a majority vote of those present shall decide all questions. At least 2 members of a 3-member board of review shall be present to conduct any business or hearings of the board of review.

(2) The township board may appoint 3, 6, or 9 electors of the township, who shall constitute a board of review for the township. If 6 or 9 members are appointed as provided in this subsection, the membership of the board of review shall be divided into board of review committees consisting of 3 members each for the purpose of hearing and deciding issues protested pursuant to section 30. Two of the 3 members of a board of review committee constitute a quorum for the transaction of the business of the committee. All meetings of the members of the board of review and committees shall be held during the same hours of the same day and at the same location.

(3) A township board may appoint not more than 2 alternate members for the same term as regular members of the board of review. Each alternate member shall be a property taxpayer of the township. Alternate members shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the alternate membership of the board of review. A member of the township board is not eligible to serve as an alternate member or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve as an alternate member or to fill any vacancy. An alternate member may be called to perform the duties of a regular member of the board of review in the absence of a regular member. An alternate member may also be called to perform the duties of a regular member of the board of review for the purpose of reaching a decision in issues protested in which a regular member has abstained for reasons of conflict of interest.

(4) The size, composition, and manner of appointment of the board of review of a city may be prescribed by the charter of a city. In the absence of or in place of a charter provision, the governing body of the city, by ordinance, may establish the city board of review in the same manner and for the same purposes as provided by this section for townships.

(5) A majority of the entire board of review membership shall indorse the assessment roll as provided in section 30. The duties and responsibilities of the board contained in section 29 shall be carried out by the entire membership of the board of review and a majority of the membership constitutes a quorum for those purposes.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3851;—Am. 1901, Act 129, Eff. Sept. 5, 1901;—CL 1915, 4022;—CL 1929, 3416;—Am. 1944, 1st Ex. Sess., Act 18, Imd. Eff. Feb. 19, 1944;—CL 1948, 211.28;—Am. 1964, Act 275, Eff. Aug. 28, 1964;—Am. 1968, Act 84, Imd. Eff. June 4, 1968;—Am. 1982, Act 539, Eff. Mar. 30, 1983;—Am. 1984, Act 149, Imd. Eff. June 25, 1984;—Am. 1993, Act 292, Imd. Eff. Dec. 28, 1993;—Am. 2006, Act 143, Imd. Eff. May 22, 2006.

Popular name: Act 206

211.29 Board of review of township; meeting; submission, examination, and review of assessment roll; additions to roll; correction of errors; compliance with act; review of roll on tax day; prohibitions; entering valuations in separate columns; approval and adoption of roll; conducting business at public meeting; notice of meeting; notice of change in roll.

Sec. 29. (1) On the Tuesday immediately following the first Monday in March, the board of review of each township shall meet at the office of the supervisor, at which time the supervisor shall submit to the board the

assessment roll for the current year, as prepared by the supervisor, and the board shall proceed to examine and review the assessment roll.

(2) During that day, and the day following, if necessary, the board, of its own motion, or on sufficient cause being shown by a person, shall add to the roll the names of persons, the value of personal property, and the description and value of real property liable to assessment in the township, omitted from the assessment roll. The board shall correct errors in the names of persons, in the descriptions of property upon the roll, and in the assessment and valuation of property. The board shall do whatever else is necessary to make the roll comply with this act.

(3) The roll shall be reviewed according to the facts existing on the tax day. The board shall not add to the roll property not subject to taxation on the tax day, and the board shall not remove from the roll property subject to taxation on that day regardless of a change in the taxable status of the property since that day.

(4) The board shall pass upon each valuation and each interest, and shall enter the valuation of each, as fixed by the board, in a separate column.

(5) The roll as prepared by the supervisor shall stand as approved and adopted as the act of the board of review, except as changed by a vote of the board. If for any cause a quorum does not assemble during the days above mentioned, the roll as prepared by the supervisor shall stand as if approved by the board of review.

(6) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. Notice of the date, time, and place of the meeting of the board of review shall be given at least 1 week before the meeting by publication in a generally circulated newspaper serving the area. The notice shall appear in 3 successive issues of the newspaper where available; otherwise, by the posting of the notice in 5 conspicuous places in the township.

(7) When the board of review makes a change in the assessment of property or adds property to the assessment roll, the person chargeable with the assessment shall be promptly notified in such a manner as will assure the person opportunity to attend the second meeting of the board of review provided in section 30.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3852;—Am. 1907, Act 326, Eff. Sept. 28, 1907;—CL 1915, 4023;—CL 1929, 3417;—Am. 1941, Act 234, Imd. Eff. June 16, 1941;—CL 1948, 211.29;—Am. 1949, Act 285, Eff. Sept. 23, 1949;—Am. 1964, Act 275, Eff. Aug. 28, 1964;—Am. 1978, Act 124, Imd. Eff. Apr. 25, 1978.

Popular name: Act 206

211.30 Board of review; meetings; alternative dates; sessions; request, protest, or application for correction of assessment; hearing; examination of persons under oath; filing by nonresident taxpayer; notice; filing, hearing, and determination of objection; right of appeal; approval or disapproval of personal property exemption; indorsement and signed statement; delivery of assessment roll; ordinance or resolution authorizing filing of protest by letter; notice of option.

Sec. 30. (1) Except as otherwise provided in subsection (2), the board of review shall meet on the second Monday in March.

(2) The governing body of the city or township may authorize, by adoption of an ordinance or resolution, alternative starting dates in March when the board of review shall initially meet, which alternative starting dates shall be the Tuesday or Wednesday following the second Monday of March.

(3) The first meeting of the board of review shall start not earlier than 9 a.m. and not later than 3 p.m. and last for not less than 6 hours. The board of review shall also meet for not less than 6 hours during the remainder of that week. Persons or their agents who have appeared to file a protest before the board of review at a scheduled meeting or at a scheduled appointment shall be afforded an opportunity to be heard by the board of review. The board of review shall schedule a final meeting after the board of review makes a change in the assessed value or tentative taxable value of property, adds property to the assessment roll, or exempts personal property under section 9m, 9n, or 9o and removes it from the assessment roll. The board of review shall hold at least 3 hours of its required sessions for review of assessment rolls during the week of the second Monday in March after 6 p.m.

(4) A board of review shall meet a total of at least 12 hours during the week beginning the second Monday in March to hear protests. At the request of a person whose property is assessed on the assessment roll or of his or her agent, and if sufficient cause is shown, the board of review shall correct the assessed value or tentative taxable value of the property in a manner that will make the valuation of the property relatively just and proper under this act. For the appeal of a denial of a claim of exemption for personal property under

section 9m, 9n, or 9o, or for an appeal under section 9o(7), if an exemption is approved, the board of review shall remove the personal property from the assessment roll. The board of review may examine under oath the person making the application, or any other person concerning the matter. A member of the board of review may administer the oath. A nonresident taxpayer may file his or her appearance, protest, and papers in support of the protest by letter, and his or her personal appearance is not required. The board of review, on its own motion, may change assessed values or tentative taxable values or add to the roll property omitted from the roll that is liable to assessment if the person who is assessed for the altered valuation or for the omitted property is promptly notified and granted an opportunity to file objections to the change at the meeting or at a subsequent meeting. An objection to a change in assessed value or tentative taxable value or to the addition of property to the tax roll shall be promptly heard and determined. Each person who makes a request, protest, or application to the board of review for the correction of the assessed value or tentative taxable value of the person's property or for the exemption of that person's personal property under section 9m, 9n, or 9o shall be notified in writing, not later than the first Monday in June, of the board of review's action on the request, protest, or application, of the state equalized valuation or tentative taxable value of the property, and of information regarding the right of further appeal to the tax tribunal. Information regarding the right of further appeal to the tax tribunal shall include, but is not limited to, a statement of the right to appeal to the tax tribunal, the address of the tax tribunal, and the final date for filing an appeal with the tax tribunal.

(5) If an exemption for personal property under section 9m, 9n, or 9o is approved, the board of review shall file an affidavit with the proper officials involved in the assessment and collection of taxes and all affected official records shall be corrected. If the board of review does not approve an exemption under section 9m, 9n, or 9o, the person claiming the exemption for that personal property may appeal that decision in writing to the Michigan tax tribunal. A correction under this subsection that approves an exemption under section 9o may be made for the year in which the appeal was filed and the immediately preceding 3 tax years. A correction under this subsection that approves an exemption under section 9m or 9n may be made only for the year in which the appeal was filed.

(6) After the board of review completes the review of the assessment roll, a majority of the board of review shall indorse the roll and sign a statement to the effect that the roll is the assessment roll for the year in which it has been prepared and approved by the board of review.

(7) The completed assessment roll shall be delivered by the appropriate assessing officer to the county equalization director not later than the tenth day after the adjournment of the board of review, or the Wednesday following the first Monday in April, whichever date occurs first.

(8) The governing body of the township or city may authorize, by adoption of an ordinance or resolution, a resident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or his or her agent. If that ordinance or resolution is adopted, the township or city shall include a statement notifying taxpayers of this option in each assessment notice under section 24c and on each notice or publication of the meeting of the board of review.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3853;—Am. 1907, Act 326, Eff. Sept. 28, 1907;—CL 1915, 4024;—CL 1929, 3418;—CL 1948, 211.30;—Am. 1949, Act 285, Eff. Sept. 23, 1949;—Am. 1951, Act 48, Eff. Sept. 28, 1951;—Am. 1964, Act 275, Eff. Aug. 28, 1964;—Am. 1982, Act 539, Eff. Mar. 30, 1983;—Am. 1994, Act 9, Imd. Eff. Feb. 24, 1994;—Am. 1994, Act 415, Imd. Eff. Dec. 29, 1994;—Am. 2000, Act 210, Imd. Eff. June 27, 2000;—Am. 2003, Act 194, Imd. Eff. Nov. 10, 2003;—Am. 2013, Act 153, Imd. Eff. Nov. 5, 2013.

Popular name: Act 206

211.30a Township board of review; completion of review, date.

Sec. 30a. In the year 1950 and thereafter the review of assessments by boards of review in all cities and townships shall be completed on or before the first Monday in April, any provisions of the charter of any city or township to the contrary notwithstanding: Provided, That the legislative body of any city or township, in order to comply with the provisions hereof, may, by ordinance, fix the period or periods for preparing the budget and for making, completing and reviewing the assessment roll, any provisions of the charter of such city or township or any law to the contrary notwithstanding.

History: Add. 1949, Act 285, Eff. Sept. 23, 1949.

Popular name: Act 206

211.30b Revision of personal property assessments in 1965.

Sec. 30b. In 1965 only, regardless of the provisions of section 30a, personal property assessments in any city, township or village shall be subject to revision, upon authorization of the state tax commission, after the final meeting of the board of review and, where any assessment is so revised, the board of review shall reconvene and, after written notice to each affected taxpayer of said meeting and of the proposed change in

his assessments, review the personal property assessment roll on or before April 15, 1965, and thereafter such roll shall be treated as though the review thereof had been completed at the usual time.

History: Add. 1965, Act 20, Imd. Eff. Apr. 22, 1965.

Popular name: Act 206

211.30c Reduced amount as basis for calculating assessed value or taxable value in succeeding year; applicability of section.

Sec. 30c. (1) If a taxpayer has the assessed value or taxable value reduced on his or her property as a result of a protest to the board of review under section 30, the assessor shall use that reduced amount as the basis for calculating the assessment in the immediately succeeding year. However, the taxable value of that property in a tax year immediately succeeding a transfer of ownership of that property is that property's state equalized valuation in the year following the transfer as calculated under this section.

(2) If a taxpayer appears before the tax tribunal during the same tax year for which the state equalized valuation, assessed value, or taxable value is appealed and has the state equalized valuation, assessed value, or taxable value of his or her property reduced pursuant to a final order of the tax tribunal, the assessor shall use the reduced state equalized valuation, assessed value, or taxable value as the basis for calculating the assessment in the immediately succeeding year. However, the taxable value of that property in a tax year immediately succeeding a transfer of ownership of that property is that property's state equalized valuation in the year following the transfer as calculated under this section.

(3) This section applies to an assessment established for taxes levied after January 1, 1994. This section does not apply to a change in assessment due to a protest regarding a claim of exemption.

History: Add. 1994, Act 297, Imd. Eff. July 14, 1994;—Am. 1994, Act 415, Imd. Eff. Dec. 29, 1994;—Am. 1996, Act 476, Imd. Eff. Dec. 26, 1996.

Popular name: Act 206

211.31 Township board of review; completed roll valid; conclusive presumption.

Sec. 31. Upon the completion of said roll and its endorsement in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes hereinafter mentioned. The omission of such indorsement shall not affect the validity of such roll.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3854;—CL 1915, 4025;—CL 1929, 3419;—CL 1948, 211.31.

Popular name: Act 206

211.32 Township board of review; quorum; conscription of absent members; second meeting alternative.

Sec. 32. If from any cause a quorum shall not be present at any meeting of the board of review, it shall be the duty of the supervisor, or, in his absence, any other member of the board present, to notify each absent member to attend at once, and it shall be the duty of the member so notified to attend without delay. If from any cause the second meeting of such board of review herein provided for is not held at the time fixed therefor, then and in that case it shall meet on the next Monday thereafter, and proceed in the same manner and with like powers as if such meeting had been held as hereinbefore provided.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3855;—CL 1915, 4026;—CL 1929, 3420;—CL 1948, 211.32.

Popular name: Act 206

211.33 Secretary of board of review; record; filing; form.

Sec. 33. The supervisor shall be the secretary of said board of review and shall keep a record of the proceedings of the board and of all the changes made in such assessment roll, and shall file the same with the township or city clerk with the statements made by persons assessed. In the absence of the supervisor, the board shall appoint 1 of its members to serve as secretary. The state tax commission may prescribe the form of the record whenever deemed necessary.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3856;—CL 1915, 4027;—CL 1929, 3421;—CL 1948, 211.33;—Am. 1964, Act 275, Eff. Aug. 28, 1964.

Popular name: Act 206

Proposed Schedule for Future Meetings (as of February 26, 2014)

March 5	Taxation/Special Assessments/Borrowing
March 12	Borrowing/Purchasing
March 19	General Provisions/Public Utilities
March 22	Possible Public Hearing??
March 26	Charter Amendments / Transitions
April 2	Full Charter Review
April 9	Spring break week (Maybe we need a break too)
April 16	Last cross check for internal references, spelling, capitalization, etc.
April 23	Final vote of approval (Schedule Public Hearing)
May	Public Hearing Week of May 12
June 1	Out the door to Attorney General
July 22	Petitions due for election of 3 Village Trustees & new City Officials (15 weeks prior to election)
August 12	Ballot Language for Charter due to Washtenaw County Clerk
November 4	Election

Items in Parking Lot (as of 2-26-14)

Unfunded pensions, power subtractions, state of city message, statement of ethics, nepotism, adding a catch all category or a glossary, watch for stray items that should be on the mandatory ordinance list, compensation commission, emergency expenditures

Charter Requirements

Michigan law requires every Home Rule City Charter to include the following provisions (MCL 117.3):

Still to be Addressed

- providing for the public peace and health and for the safety of persons and property

Addressed in Draft Articles

- election of a mayor, who will be the chief executive officer of the city
- election of a legislative body (council)
- method for filling for city elective offices
- election or appointment of a clerk, treasurer, assessor, board of review and other officers considered necessary
- qualifications, duties and compensation of the city's officers
- adopting, continuing, amending and repealing the city ordinances and for the publication of each ordinance before it takes effect
- statement that all business of the legislative body will take place in compliance with the open meetings act and that all records will be made available to the public in compliance with the freedom of information
- keeping of records in the English language
- establishing a uniform system of accounts as required by law
- determination of whether the city will have partisan or non-partisan elections
- time, manner, and means of holding elections and registering electors (subject to Michigan Election Law)
- taxing powers
- levy, collection and return of state, county and school taxes

Caro Charter

CHAPTER X

TAXATION

Section 10.1 POWER TO TAX

In order to carry out the purposes, powers, and duties of the city government, established by this charter, and subject to state law where applicable, the city may assess, levy, and collect ad valorem taxes, rents, tolls, and excise taxes.

Section 10.2 SUBJECT OF TAXATION

- (a) Exclusive of any levies authorized by law to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two percent (2%) or twenty (20) mills of the taxable value of all real and personal property in the city.
- (b) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, school and any other taxing entities under the general law.
- (c) Except as otherwise provided by this charter, city taxes shall be assessed, levied, collected, and returned in the manner provided by law for Townships.

Section 10.3 TAX DAY

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of December 31, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the assessor or the Board of Review.

Section 10.4 JEOPARDY ASSESSMENTS

If the city treasurer finds or reasonably believes that any person, who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the city on tax day, intends to depart or has departed from the city; or to remove or has removed therefrom personal property, which is, or may be, liable for taxation; or to conceal or conceals their person or their property; or does any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, unless proceedings therefore be brought without delay, the city treasurer shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

Section 10.5 ASSESSMENT

The city assessor shall annually place a value, in accordance with law, upon all property, both real and personal, in the city, which is subject to taxation. Such valuation of property shall be in accordance with established assessment rules, techniques, and procedures. The council shall provide for the maintenance of the records and facilities of the office of the city assessor.

Section 10.6 ASSESSMENT ROLL

- (a) Prior to the date of the first meeting of the Board of Review in each year, the city assessor shall prepare and certify an assessment roll of all property in the city, in the manner and form provided in the general tax law of the State of Michigan. Such roll may be divided into volumes that the city assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this Article to any volumes of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.
- (b) The city assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be addressed to the owner according to the records of the city assessor's office and mailed not less than ten (10) days before the date of the convening of the Board of Review. Neither the failure of the city assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.

Section 10.7 BOARD OF REVIEW

- (a) A Board of Review is hereby created and composed of three (3) members who shall have the following qualifications: A member shall be a registered elector of the city, and shall have been a resident of the city for at least one (1) year immediately prior to the date of appointment. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation.
- (b) The members of the Board of Review shall be appointed by the council and may be removed for reasons of nonfeasance or misfeasance by a majority vote of the council. The first such Board of Review appointed by the council under the provisions of this charter shall be made up of three (3) qualified members appointed for two (2), three (3), and four (4) year terms. Thereafter, when terms expire, the council shall appoint a member for a three (3) year term at the first regular council meeting in January of each succeeding year. Upon a vacancy due to resignation or otherwise, the council shall appoint a member to fill the remainder of the vacant term. The council shall fix the compensation of the members of the Board.
- (c) An annual organizational meeting of the Board of Review shall be held on the first Monday in March to select one (1) of its members as chairperson for the ensuing year, to review the assessment roll and to examine the guidelines and practices followed in preparing the assessment roll. The city assessor shall be the secretary of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.
- (d) Being elected to an office of the city while serving as a member of the Board of Review shall constitute a resignation from the Board of Review.

Section 10.8 DUTIES AND FUNCTIONS OF BOARD OF REVIEW

- (a) The members of the board of review shall be officers of the city and shall take the oath of office, which shall be filed with the city clerk.
- (b) For the purpose of revising and correcting assessments, the board of review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this charter.
- (c) At the time, and in the manner provided in the following section, the board of review shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the board of review shall correct the roll in such manner as it deems just. In all cases, the assessment roll shall be reviewed according to the facts existing on the most recent tax day.
- (d) Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll.
- (e) The city assessor shall make a permanent record of all proceedings of the Board of Review and enter therein all its resolutions and decisions. Such record shall be filed with the city clerk on or before the first day of May following the meeting of the board of review.

Section 10.9 NOTICE OF MEETING

Notice of the time of the sessions of the board of review shall be published by the city assessor in a newspaper having general circulation in the city at least one (1) week prior to each session of the board and printed on the assessment notice sent as described in Section 10.6b of this charter.

Section 10.10 MEETINGS; EXAMINATION OF PERSONS APPEARING

The board of review shall meet in two (2) sessions in each year at such place as shall be designated by the council. The first session of the board shall convene on the first Monday in March of each year and may continue in session for three (3) days and as much longer as may be necessary for the purpose of considering and correcting the roll. In each case where the assessed value is increased or any property added to the rolls by the board, the secretary of the board shall give notice to the owners thereof according to the last assessment roll of the city by first class mail as prescribed by statute. The second session of the board shall convene on the third Monday of March of each year and shall continue in session for one (1) day and as much longer as may be necessary for the purpose of hearing appeals of property assessments. The board shall remain in session during such hours as the council may designate.

Section 10.11 CERTIFICATION OF ROLL

After the Board of Review has completed its review of the assessment roll, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll.

Section 10.12 VALIDITY OF ASSESSMENT ROLL

Upon the certification by the Board of Review the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, it shall be the assessment roll of the city for county, school and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

Section 10.13 CLERK TO CERTIFY LEVY

Within three (3) days after the adoption of the budget for the ensuing year, the city clerk shall certify to the city assessor the total amount which the council determines shall be raised by general taxation, together with such other assessments and lawful charges and amounts which the county and other taxing authorities shall authorize or require to be assessed, reassessed, or charged upon the city tax roll against property or persons.

Section 10.14 CITY TAX ROLL

After the Board of Review has completed its review of the assessment roll, the city assessor shall prepare a tax roll, to be known as the "City Tax Roll." Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding section, the city assessor shall proceed forthwith to:

- (a) Spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll;
- (b) Place such other assessments and charges upon the roll as are required and authorized by the council and;
- (c) Complete other said tasks as required by law.

Section 10.15 TAX ROLL CERTIFIED FOR COLLECTION

After extending the taxes and placing other assessments and charges upon the roll, the city assessor shall certify said tax roll and attach the city assessor's warrant by the tenth day of June in each year, directing and requiring the city treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting the city treasurer for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

Section 10.16 LIENS

All taxes thus assessed shall become a debt due the city as provided by general law and, as of the first day of July of the year of assessment, the said taxes with any applicable charges, fees or penalties shall become a lien upon the property against which they are assessed until paid.

Section 10.17 TAX PAYMENT DATE

City taxes shall be due and payable on the first day of July each year and be delinquent after September 15. Other property taxes as permitted by law shall be due December 1 and be delinquent after February 28th. Unpaid tax assessment charges and penalties shall be turned over for collection by March 1st as provided by statute.



Section 10.18 TAXES DUE – NOTIFICATION THEREOF

The city treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the city tax roll, shall, forthwith, give notice to the taxpayers of the city by forwarding a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the city treasurer to mail such statement nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this charter in case of nonpayment.

Section 10.19 TAX PAYMENT SCHEDULE

The council shall provide by ordinance, for a tax payment schedule and the amount of collection charges, penalties and interest to be added to taxes, charges, and assessments on the city tax roll. When so added, such collection charges, penalties and interest shall be treated in all respects as an item of taxes and collected as such. Any collection charges, penalties and interest shall be collectable in the same manner as taxes, assessments, and charges to which they are added.

Section 10.20 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX

If any person shall neglect or refuse to pay any tax on personal property assessed to such person, the city treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the State of Michigan. No property shall be exempt from such seizure. The city treasurer may sell the property seized, at an amount sufficient to pay the taxes and all charges, fees, penalties, and interest, in accordance with statutory provisions. The city treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted by law.

Section 10.21 STATE, COUNTY AND SCHOOL TAXES

For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the city treasurer shall perform the same duties and have the same powers as township treasurers under law.

Council may by ordinance, establish up to one percent (1%) property tax administration fee to add to all taxes levied by other taxing jurisdictions on real or personal property within the boundaries of the city.

Section 10.22 PROTECTION OF CITY LIEN

The city shall have the power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the owner, as may be necessary to assure to the city the collection of its taxes, special assessments, charges and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the city therefore, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The council may adopt any ordinance, which may be reasonably necessary to make this section effective.

Section 10.23 TAX ROLL TO COUNTY TREASURER

All taxes, special assessments, charges, and collection fees, on the city tax roll which remain unpaid on the first day of March following the date when said roll was received by the city treasurer shall, on that date, become delinquent and shall be returned to the County treasurer at the time and in the same manner and with like effect as returns by township treasurers of township, school, and county taxes.

Such returns shall be made upon a delinquent tax roll to be prepared by the city treasurer and shall include all the additional charges which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees, thus returned shall be collected in the same manner as taxes returned to the County Treasurer are collected under the provisions of the general laws of the State of Michigan and shall be and remain a lien upon the lands against which they are assessed until paid.

Section 10.24 CITY INCOME TAX

No City income tax shall be levied without an approving vote of a majority of city electors voting thereon at a special or city election or as otherwise permitted by law.

CHAPTER XI

SPECIAL ASSESSMENTS

Section 11.1 GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS

The council shall have the power to determine the necessity of public improvements within the city, and to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessment upon property or properties especially benefited in proportion to the benefits derived or to be derived. The council shall also have the power of reassessment with respect to any such public improvement.

Section 11.2 PROCEDURE FIXED BY ORDINANCE

The council shall prescribe by ordinance the complete special assessment or reassessment procedure governing the initiation of projects, the preparation of plans and cost estimates, the creation of special assessment districts, notices and hearings, making and confirming the assessment rolls, the correction of errors in such rolls, the collection of special assessments, and any other matters concerning the making and financing of improvements by special assessment.

Section 11.3 RECONSIDERATION OF PETITIONS

In the event that the council shall fail to make any public improvement petitioned for as required by ordinance during the calendar year during which the petition is filed because of lack of funds therefore, such petition shall be reconsidered by the council prior to the first day of March of the succeeding calendar year for the purpose of determining whether such improvement should be made during such fiscal year.

Section 11.4 CONDEMNATION COSTS

The cost of condemning or otherwise acquiring property needed for any public improvement shall constitute a part of the cost of the improvement.

Section 11.5 LIEN AND COLLECTION OF SPECIAL ASSESSMENTS

Upon the confirmation of each special assessment roll, the special assessments thereon shall become a debt to the city from the persons to whom they are assessed and, until paid shall be a lien upon the property assessed for the amount of such assessments and all interest and charges which may accrue thereon. Such lien shall be of the same character and effect as that created by this charter for city taxes and shall be treated as such in all procedures for the collection of special assessments and all collection fees or charges and interest, which may have been added or accumulated thereto.

Section 11.6 SPECIAL ASSESSMENT ACCOUNT

Moneys raised by special assessment for any public improvement shall be credited to a special assessment account, and shall be used to pay the special assessment portion of the cost of the improvement for which the assessment was levied and of expenses incidental thereto, including the repayment of the principal of and interest on money borrowed therefore, and to refund excessive assessments if refunds be authorized.

Section 11.7 CERTAIN POSTPONEMENTS OF PAYMENTS

The council may provide that any person who, in the opinion of the city assessor and not less than five (5) members of the council, by reason of poverty is unable to continue payments toward the cost of the making of a public improvement, may execute to the city an instrument creating a lien for the benefit of the city on all or any part of the real property owned by him or her and benefited by any public improvement, which lien will mature and be effective from and after the execution of such instrument, shall be recorded with the Register of Deeds of Tuscola County, and shall not be discharged or released until the terms thereof are met in full. The council shall establish the procedure for making this section effective.

Section 11.8 ALL REAL PROPERTY LIABLE FOR SPECIAL ASSESSMENTS

All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

Section 11.9 SPECIFIC ASSESSMENT POWERS

In accordance with its general power to determine the necessity for any public improvement and to defray the cost, in whole or in part, by special assessments, the city shall have the power:

- (a) To install and connect sewers and waterworks for property within the city and to finance the same, in whole or in part, by special assessments;
- (b) To construct, grade and pave local streets within the city and to finance the same, in whole or in part, by special assessments provided that any subsequent cost of repaving or maintaining such local streets shall not be financed by special assessments but shall be paid from the general funds of the city and;
- (c) To require of an owner of real property within the city to abate public hazards and nuisances thereon which are dangerous to the health, safety or general welfare of the inhabitants of the city within a reasonable time after the council notifies the owner that such hazard or nuisance exists, and if the owner fails to comply with such requirements to abate such hazard or nuisance, to assess a reasonable cost against such property.

Section 11.10 CORRECTION OF INVALID SPECIAL ASSESSMENTS

Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for in the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment, refunds shall be made. Unless challenged by a successful appeal to the courts, no act of the council vacating a special assessment shall destroy or impair the lien of the city upon

the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

Caro Charter

CHAPTER XII

BORROWING

Section 12.1 GENERAL POWER

Subject to the applicable provisions of law, the city may borrow money for any purpose within the scope of its powers, and may issue bonds or other evidence of indebtedness therefor.

Section 12.2 LIMITS OF BORROWING AUTHORITY

- (a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum amount permitted by law, provided that in computing such bonded indebtedness there shall be excluded special assessment bonds, even though they are a general obligation of the city, mortgage bonds, revenue bonds, bonds in anticipation of state-retained revenues to the extent permitted by law, and any other bonds or indebtedness excluded by law from such limitation. The amount of funds accumulated for the retirement of any outstanding bonds shall also be deducted from the amount of bonded indebtedness.
- (b) The amount of emergency borrowing which may be incurred under the provisions of this charter may not exceed the maximum amount permitted by law.
- (c) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within the time limited by law, such authorization shall be null and void.
- (d) The issuance of any bonds not requiring the approval of the electorate shall be subject to applicable requirements of law with reference to public notice in advance of authorization of such issues, filing of petitions for a referendum on such issuance, holding such referendum, and other applicable procedural requirements.

Section 12.3 USE OF BORROWED FUNDS

Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued and no officer of the city shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the council may authorize the use of such unexpended and unencumbered funds as provided in this section, which use shall be subject to the approval of the Michigan Department of Treasury where required:

- (a) For an additional extension or improvement of facility or project for which the bond issue was made;
- (b) For the retirement of such bond issue;
- (c) If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of other bonds or obligations of the city;

- (d) If there is no other indebtedness, or funds are segregated which are adequate for such purpose, then for such other purposes as may be permitted by law.

Section 12.4 SEPARATION OF SPECIAL ASSESSMENT COLLECTIONS; PAYMENT OF DEFICIENCY IN SPECIAL ASSESSMENTS

All collections on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be set apart in a separate fund (but not necessarily in a separate bank account) and shall be used for the purpose for which levied and for the payment of the principal and interest on such bonds. If there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, money shall be advanced from the general funds of the city to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefor.

Section 12.5 BOND INTEREST RATES

No bond or other evidence of indebtedness of the city shall bear interest at a rate that exceeds a rate ceiling imposed by state law.

Section 12.6 EXECUTION OF BONDS

All bonds issued by the city shall be signed by the mayor and countersigned by the city clerk and shall bear the corporate seal of the city. Said signatures of the mayor and the city clerk and the seal of the city may be by facsimile if permitted by law.

Section 12.7 RECORDS OF BONDS AND OTHER EVIDENCE OF INDEBTEDNESS; CANCELLATION

The city treasurer shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of bonds or other evidence of indebtedness the same shall be cancelled.

Section 12.8 PREPARATION AND RECORDS OF BONDS

Each bond or other evidence of indebtedness shall contain a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this charter, except that, whenever the proceeds of any bond issue or parts thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the council may authorize the use of said funds for the retirement of bonds of said issue or for any other purpose permitted by law.